IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3792 OF 2005

M/s. Mehul Enterprises
and Or. ..Applicants
Vs.
State of Maharashtra & Anr. ..Respondents

...
Mr. Ganesh Gole Advocate for Applicants
Mr. V.B.Konde-Deshmukh, A.P.P. for the State
...

CORAM : SMT.V.K.TAHILRAMANI,J.
DATE : JULY 6,2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Addl.Chief Metropolitan Magistrate, 2nd Court, Mazgaon, Mumbai in C.C.No. 205/S/2003. In the said case process is under issued under Section 138 r.w. 141 of IPC.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, in my

view, it is clear that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary application will be preferred within a period of three weeks from today. In view of the statement, the trial Court shall not proceed with the trial for a period of three weeks from today.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]